IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY THIRD DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 5410 of 2005

Between:

Imandi Ramakrishna S/o.Late Ramulu,
Mulagada Mindi, Post, Visakhapatnam.

... PETITIONER

AND

1 The District Collector, Visakhapatnam
2 The Revenue Divisioanl Officer, Visakhapatnam.
3 The Manal Revenue Officer, Chinagadivi Mandal, Visakhapatnam.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or direction, more particularly one in the nature of writ of Mandamus, declaring the action of the respondents herein canceling the assignment made in favour of the petitioner herein canceling the assignment made in favour of the petitioner in the year 1984 in Sy.No.108/1 of about an extent of Ac.5-00 without notice and opportunity as being illegal, arbitrary and violative of principles of natural justice and fair paly besides violative of Art.21 and 300-A of the Constitution of India and consequently set aside the same that were alleged to have been passed.

Counsel for the Petitioner: MR.M.SUBBAIAH SASTRY

Counsel for the Respondents: GP FOR ASSIGNMENTS

The Court at the stage of admission made the following:

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ORDER:

This writ petition is filed seeking a declaration that the action of the respondents in canceling the assignment made in favour of the petitioner in the year 1984 in respect of the land to an extent of Ac.5.00 situated in Sy.No.108/1 of Madhuravada Village, Visakhapatnam District as arbitrary and illegal.

The case of the petitioner is that the said land was assigned in his favour as long back as in the year 1984 and he has been continuing in possession and enjoyment of the same. While so, on 05-03-2005 the officials of the third respondent-Mandal Revenue Officer visited the land in question and directed the petitioner to vacate the same proclaiming that the assignment in his favour is cancelled. The petitioner states that no such order of cancellation has been served on him, and the respondents have been attempting to dispossess him high-handedly. Hence, this writ petition to declare the said action of the respondents as arbitrary and illegal.

When the matter is taken up for consideration, the learned Government Pleader for Assignments, under instructions, states that the assignment in favour of the petitioner was cancelled by the third respondent-Mandal Revenue Officer-Chinagadili Mandal, by order dated 22-02-2005. However, it is conceded that the said order has not yet been communicated to the petitioner.

In the circumstances, the writ petition is disposed of with a direction to the third respondent-Mandal Revenue Officer to communicate the order dated 22-02-2005 to the petitioner within a period of one week from the date of receipt of a copy of this order, in which event, it is open to the petitioner to workout the appropriate remedy as available under law to challenge the said order. However, having regard to the facts and circumstances of the case, there shall be a further direction to the

respondents not to interfere with the possession of the petitioner in respect of the land in question for a period of four weeks from today.

The writ petition is accordingly disposed of. No order as to costs.

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G. ROHINI, J

Dated: 23-03-2005

LSK

ASSISTANT REGISTRAR

To

1 The District Collector, Visakhapatnam
2 The Revenue Divisioanl Officer, Visakhapatnam.
3 The Manal Revenue Officer, Chinagadivi Mandal, Visakhapatnam.

4 Two C.Cs. to the G.P. for Assignments, High Court Buildings, Hyderabad. (OUT)

5 Two C.D. copies.